

1 UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF ALASKA AT JUNEAU

3 MYRNA I. JOHNSON, )  
4 Plaintiff, )  
5 vs. )  
6 FRED MEYER STORES, INC., and )  
7 JAIME SAN MIGUEL, )  
8 Defendants ) Case No. J-04-008 CV (RRB)

9 **QUALIFIED NONOPPOSITION TO MOTION TO DISMISS**  
10 **INDIVIDUAL DEFENDANT JAIME SAN MIGUEL**

11 This Court has ruled that Plaintiff may not bring the public policy tort claim that her  
12 wrongful discharge was motivated by an intent by Defendant San Miguel to replace her with  
13 someone else whom he had a "hoped-for romantic interest". Given this decision, Plaintiff's  
14 claim for breach of the covenant of good faith and fair dealing sounds only in contract. For  
15 these reasons only, Plaintiff does not oppose the dismissal of Defendant San Miguel.

16 Should the Court or an appellate court reconsider this decision and conclude that the  
17 conduct in fact would be a violation of public policy and tortious, Plaintiff requests the right to  
18 reinstate the claims against San Miguel.

19 DATED Friday, April 04, 2008, at Juneau, Alaska.

20 Respectfully submitted,  
21 CHOATE LAW FIRM LLC

22   
23 s/Mark Choate

24 MARK CHOATE  
25 424 N. Franklin Street  
26 Juneau, AK 99801

27 1 of 3

28 *Johnson, Myrna v. Fred Meyer (J-04-008 CV RRB) [23003].*  
QUALIFIED NONOPPOSITION TO MOTION TO DISMISS INDIVIDUAL DEFENDANT, JAIME SAN MIGUEL  
J-04-008 CV (RRB)

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Attorneys for Plaintiff

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**PROOF OF SERVICE**

STATE OF ALASKA, FIRST JUDICIAL DISTRICT AT JUNEAU

I am employed in the City and Borough of Juneau, State of Alaska. I am over the age of 18 and not a party to the within action. My business address is 424 N. Franklin Street, Juneau, AK 99801.

On April 4, 2008, I served the foregoing document described as QUALIFIED NONOPPOSITION TO MOTION TO DISMISS INDIVIDUAL DEFENDANT, JAIME SAN MIGUEL, on the interested parties in this action by serving the original true copies, addressed as follows:

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☒ By electronic service through the court of record's electronic service system,

☐ (State) I declare under penalty of perjury under the laws of the State of Alaska that the foregoing is true and correct.

☒ (Federal) I declare that I am employed in the office of a member of the Bar of this Court, at whose direction the service was made.

Executed on April 4, 2008 at Juneau, Alaska.

  
CHOATE LAW FIRM, LLC